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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[10 February 1992]

Human rights situation in Iraq

1. Widespread human rights violations were committed by Iraqi Government forces in 1991: mass extrajudicial executions, including of unarmed civilians, torture, disappearances and arbitrary arrests. Among those who remained in detention were Kuwaitis and other nationals imprisoned during Iraq's occupation of Kuwait, and thousands of Iraqi Kurds and Arab Shi'a Muslims arrested in the aftermath of the March 1991 uprisings.

2. Amnesty International has received detailed information about prisoners detained after the crushing of the March 1991 uprisings. Between March and May, as Government forces succeeded in quelling the revolt, thousands of Kurds, Shi'a Arabs, Turcomans and others were arrested on suspicion of having participated in anti-Government activities. Many were later summarily executed. At least 106 Shi'a religious scholars and students were arrested in al-Najaf by the end of March; their fate remains unknown. They included

nationals of Iraq, the Islamic Republic of Iran, Pakistan and Bahrain. Scores of arrests were also reported in Karbala' and other southern cities during the year. In northern Iraq, an estimated 5,000 Kurdish males were seized by Government forces in mid-March from residential districts of Kirkuk, apparently to deter further attacks on the city by Kurdish forces. Among them were boys aged 15 and elderly men over 70. They were held in Tobzawa and Béji garrisons in the north and later in Ramadi Camp south of Baghdad. Most were released by mid-April, but at least 28 were reportedly executed.

3. Amnesty International has also received numerous reports of torture following the arrest of people suspected of having participated in the March uprising. According to eyewitness accounts, detainees were mutilated prior to execution by having their eyes gouged out or their limbs severed or were set alight after being doused with petrol.

4. On 29 April 1991, the Iraqi Government declared an amnesty for Kurds accused of crimes committed during the March uprisings (excluding those accused of premeditated murder and rape). This was amended in May to benefit all Iraqis. Amnesty International was unable to confirm independently Government statements in October that 477,611 people benefited from the amnesties. However, by December, the majority of Iraqis who had fled the country in March and April had returned. Scores of people returning to Iraq to benefit from these amnesties reportedly "disappeared" or were executed. Throughout the 1980s, Amnesty International had received consistent reports of the arrest, "disappearance" or execution of Iraqis after they sought to benefit from official amnesties.

5. Thousands of political prisoners, including possible prisoners of conscience, who were arrested in previous years remain in detention. In recent years, Amnesty International repeatedly brought to the attention of the Commission on Human Rights the plight of such detainees, many of whom were also victims of torture. Information received by Amnesty International includes the names of over 1,300 sentenced political prisoners held in two communal cells in Abu Ghraib prison near Baghdad. Many of the prisoners, both Arabs and Kurds, have been held for over 10 years following summary trials by the Revolutionary Court for political offences. Many are believed to have been tortured, and to have been held incommunicado since their arrest. In March 1991, two political prisoners escaped from Abu Ghraib prison: Dr. Hussain al-Shahristani, a nuclear physicist arrested in 1979 whom the Government had said was released in 1983 and Sayyid Ja'far al-Hakim, arrested in 1983 and whose detention the Government had repeatedly denied. Amnesty International has also recieved information from scores of former political prisoners and army deserters, some of whom were freed from prisons during the March uprisings, about summary trial proceedings before the Revolutionary Court and military tribunals. These former political prisoners informed Amnesty International that hundreds of other political prisoners, including scores of women and children, had been held with them in secret detention centres without charge or trial for over 12 years. New information was also received by Amnesty International about the "disappearance" in previous years of over 6,000 Kurds, including whole families, who were among tens of thousands of Kurds detained in a wave of arrests in early 1988, known as the "Anfal operations". In some cases the victims had been detained after surrendering to the authorities in order to benefit from officially declared amnesties. The cases of thousands of others who "disappeared" at various times during the 1980s also remain unresolved.

6. Hundreds of extrajudicial killings were reportedly carried out by Government forces, mostly while attempting to regain control of towns and cities in northern and southern Iraq, in March and April 1991. Unarmed Kurdish civilians, including women and children, were deliberately targeted by helicopter gunships as they fled towards Iraq's borders. According to eyewitnesses, at least 11 Kurds were extrajudicially executed in Qara Hanjir in late March, and 20 others in Arbil and Sulaimaniya in April. Forty unarmed civilians were allegedly burned to death in the village of 'Arbat, near Sulaimaniya, in early April. Between 28 and 35 Kurdish detainees, who were among some 5,000 civilians taken as hostages in Kirkuk in mid-March, were said to have been extrajudicially executed shortly after arrest. According to eyewitness accounts, an estimated 150-170 Shi'a Arab males, including minors, were extrajudicially executed by firing squad on 16 March at al-Mahawil garrison near al-Hilla. Mass firing squad executions were reported in al-Hilla, al-Samawa, al-Najaf, Karbala, Basra and other places in March and April. In some instances, the bodies of the victims were dragged through the streets or left hanging from electricity pylons. Scores of detainees were said to have been pushed into the Tigris river and Shatt al-'Arab waters while alive and with weights tied to their feet. The Iraqi Government took no steps to investigate or bring to justice those responsible for the killings which have taken place in the past decade.

7. Amnesty International has also received numerous reports of "disappearances" during 1991. The victims were said to include Kuwaitis arrested after the Iraqi invasion in August 1990; hundreds of Kurdish and Shi'a Arab Government opponents arrested between March and May 1991 in northern and southern Iraq; and scores of families who returned to Iraq from Iran in May after the announcement of official amnesties. The fate of some 400 people, mainly Iraqis, forcibly expelled from Kuwait in April and May 1991, remains unknown. Amnesty International feared that many would face persecution upon arrival in Iraq.

8. Human rights abuses were also committed by opponents of the Iraqi Government during and after the March uprisings. These included the reported summary killing of Iraqi Government officials in several cities in northern and southern Iraq. In one incident on 7 October, 60 unarmed Iraqi soldiers captured by Kurdish fighters in the city of Sulaimaniya were summarily executed, apparently in retaliation for the indiscriminate bombardment of civilian targets in the area by Government forces. Amnesty International condemned these deliberate and arbitrary killings. They were the subject of an investigation by the Iraqi Kurdistan Front.

9. In July 1991 Amnesty International published a report, Iraq: Human Rights Violations Since the Uprising, based on over 500 interviews with Iraqi refugees during fact-finding visits to Iran and Turkey. The report was submitted to the Government for investigation. The organization simultaneously appealed publicly to the United Nations to establish an international on-site human rights monitoring operation in Iraq, empowered to investigate alleged abuses, ensure protection for victims and work with the Government to help enforce international standards.

10. Amnesty International noted the presentation of Iraq's third periodic report to the Human Rights Committee in 1991 (CCPR/C/64/Add.6). However, the

report, which was to cover the period January 1986 to May 1991, failed to address most of the massive violations of the International Covenant on Civil and Political Rights which occurred both prior to Iraq's invasion of Kuwait and during the occupation itself.

11. Amnesty International welcomed the steps taken by the United Nations in 1991 in response to the deteriorating situation in Iraq. The measures taken under the terms of the Memorandum of Understanding, in particular, constituted a recognition by the United Nations of the urgent need to address the plight of the Iraqi population. However, Amnesty International stated in July 1991 that the steps taken so far were insufficoent to address the human rights situation there, and that further measures of protection, more specifically aimed at the durable and ongoing protection of human rights, were still needed.

12. Amnesty International also welcomed the decision of the Commission at its forty-seventh session (resolution 1991/74 of 6 March 1991) to appoint a Special Rapporteur to examine the human rights situation in Iraq, and that he was able to visit Iraq in January 1992. While it is essential that the mandate of the Special Rapporteur be maintained, Amnesty International still considers that the Special Rapporteur alone is not in a position to ensure adequate protection for the population of Iraq, and that the establishment under United Nations auspices and control of an ongoing human rights monitoring operation in the country remains of paramount importance, if respect for human rights is to be secured in the future.

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